

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JIMMIE L. JOSHUA,
Plaintiff,

ORDER

12-cv-186-bbc

v.

MICHAEL MEISNER, JANEL NICKELS,
DON MORGAN, SRGT. MORRIS,
CAPT. KELLER, C.O. CAUDILLO and C.O. HAGG,

Defendants.

Plaintiff Jimmie Joshua, an inmate at the Columbia Correctional Institution, filed this case on March 20, 2012 and paid the \$350 fee for filing this case. Plaintiff has now submitted two letters dated March 19, 2012 and March 23, 2012 in which he asks the court to return both the complaint and the \$350 filing fee to him. I will construe plaintiff's letters as a request to voluntarily dismiss this case.

Fed. R. Civ. P 41(a)(1) allows a plaintiff to dismiss an action voluntarily without prejudice by filing a notice of dismissal "at any time before service by the adverse party of an answer or of a motion for summary judgment," or by stipulation of all the parties. Because the defendant has not yet filed an answer to the complaint and has not had to engage in any discovery or briefing, I will grant plaintiff's motion to withdraw the complaint

without prejudice and will direct the clerk of court to return plaintiff's \$350 filing fee.

ORDER

IT IS ORDERED that plaintiff Jimmie Joshua's request to voluntarily dismiss this case, dkts. ##2 and 3, is GRANTED. The clerk of court is directed to return plaintiff's filing fee and close this case.

Entered this 28th day of March, 2012.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge